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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mai-lan Tomsen

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT

PAPER NUMBER

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/748,080	TOMSEN ET AL.	
	Examiner	Art Unit	
	Dominic D. Saltarelli	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,11-31,35,36 and 41-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,11-31,35,36 and 41-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/30/06 ; 10/5/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 26, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 31, and 61 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 6, 11, 14-17, 19-31, 35, 36, 41, 44-47, and 49-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (6,748,375, of record) [Wong] in view of Dodson et al. (6,184,877, of record) [Dodson] and Yen et al. (5,991,799, of record) [Yen].

Regarding claims 1, 31, and 61, Wong teaches a method and system for retrieving supplemental content related to a television program being displayed by an interactive television system without requiring existing contextual information associated with the television program to be specifically programmed to trigger the display of particular supplemental content and without requiring the creation of a specialized database associated supplemental content with programming times (col. 3 line 45 – col. 4 line 7), the system comprising:

A remote control device (col. 8, lines 6-20) for the interactive television system, and

A set top box for the interactive television system (fig. 8, col. 7, lines 21-30 and col. 8, lines 30-47), the set top box being configured to obtain contextual information including keywords from closed captioning text pertaining to the television program being displayed at the time, and without user input, send an information request comprising the contextual information to a content source, and retrieve supplemental content from the content source for display by the interactive television system in response to the content source identifying supplemental content related to the television program based upon the contextual information (col. 5 line 54 – col. 6 line 10, as shown in fig. 4, the contextual information is extracted keywords which are sent to a search engine which performs a search for content and returns the results to the client system for display).

Wong fails to disclose the remote control device comprises a specifically designated button for requesting supplemental content related to the television program and displaying the supplemental content on the interactive television system (without further user input after receiving the user command to find supplemental content).

In an analogous art, Dodson teaches a system for processing queries for supplemental content related to a television program being displayed by an interactive television system (see figs. 2-4) wherein a user presses a specifically designated button for requesting supplemental content related to the television program (see figs. 2-4, 'Search' button 212), bringing forth an overlay of search results only when desired by a user (see col. 3, lines 41-49, wherein a user selects content from the overlay, and can also remove the overlay from the screen by pressing 'cancel').

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong to include a specifically designated button for requesting supplemental content related to the television program, as taught by Dodson, performing a search only when a user desires supplemental content, so that the search results only occupy the screen when the user is interested in supplemental content.

Wong and Dodson fail to disclose displaying the supplemental content on the interactive television system (without further user input after receiving the user command to find supplemental content).

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In an analogous art, Yen discloses a system for presenting supplemental content to users, wherein upon performance of a search for supplemental content, the supplemental content is displayed to the user (col. 9, lines 13-35 and col. 11, lines 25-40, where the foreground element immediately presents an information item to a user), a feature which is a preference that is explicitly set by a user (col. 9 line 64 - col. 10 line 4).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Wong and Dodson to include immediately displaying the supplemental content on the interactive television system, as taught by Yen, for the benefit of presenting supplemental content immediately should the user so prefer.

Regarding claims 5 and 35, Wong, Dodson, and Yen disclose the method and system of claims 1 and 31, wherein the set top box is further configured to read an indication of the television program being displayed from electronic programming guide data associated with the television program (Dodson, col. 3, lines 8-28).

Regarding claims 6 and 36, Wong, Dodson, and Yen disclose the method and system of claims 1 and 31, and Wong additionally discloses a search engine configured to search the content source for supplemental content related to the

indication of the television program and display any supplemental content found (fig. 4, search engine 190).

Regarding claims 11 and 41, Wong, Dodson, and Yen disclose the method and system of claims 1 and 31, further comprising searching the content source for the at least one keyword (Wong, fig. 4, keyword generating system 188 generates the keywords from closed captioning, col. 5 line 54 – col. 6 line 10).

Regarding claims 14, 16, 44, and 46, Wong, Dodson, and Yen disclose the method and system of claims 1 and 31, wherein the information request comprises an identifier (IP address) of the interactive television system (the request is made to the content provider over the Internet, and establishing a session with the server over Internet Protocol requires sending the IP address of the home computer, Wong, col. 5 line 54 – col. 6 line 10).

Regarding claims 15, and 45, Wong, Dodson, and Yen disclose the method and system of claims 14 and 34, but fail to disclose the identifier comprises a media access control (MAC) address.

It is notoriously well known in the art to utilize a media access control (MAC) address as an identifier.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong, Dodson, and Yen to include in the identifier a MAC address of the interactive television system, a nearly universally recognized for of network identification for use in routing data to specific network hardware.

Regarding claims 17 and 47, Wong, Dodson, and Yen disclose the method and system of claims 14 and 44, wherein the content source is configured to send the identified supplemental content to an interactive television system associated with the identifier (Wong, col. 5 line 54 – col. 6 line 10).

Regarding claims 19, 20, 49, and 50, Wong, Dodson, and Yen disclose the method and system of claims 1 and 31, and additionally disclose the set top box is configured to simultaneously display the supplemental content with the television content, wherein the displayed television program is reduced in size relative to the size of the displayed supplemental content (see Wong, fig. 1).

Regarding claims 21 and 51, Wong, Dodson, and Yen disclose the method and system of claims 1 and 31, wherein the set top box is further configured to receive a list of supplemental content items from the content source in response to a search by the content source, receive a user selection of a supplemental content item from the list, send the user selection to the content

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source, and retrieve from the content source the selected supplemental content item for display by the interactive television system (see Wong, fig. 1, col. 3 line 45 – col. 4 line 7).

Regarding claims 22, 23, 52, and 53, Wong, Dodson, and Yen disclose the method and system of claims 21 and 51, and further disclose the use of uniform resource locator (URL) links as a means to access content from content sources (Wong, col. 4, lines 8-50).

Regarding claims 24 and 54, Wong, Dodson, and Yen disclose the method and system of claims 21 and 51, and additionally disclose a filtering component configured to filter the list of items of supplemental content results based on a set of user preferences (Yen, col. 9, lines 15-44).

Regarding claims 25 and 55, Yen additionally teaches storing the user preferences locally (in information multiplexer 120, col. 9, lines 36-44), as a dedicated device can store detailed preference information about a particular user (explicit and implicit setting of preference information, col. 9 line 66 – col. 10 line 62).

Regarding claims 26, 27, 28, 29, 56, 57, 58, and 59, Yen additionally teaches storing very detailed aspects of user preferences (col. 9 line 66 – col. 10

line 62), such aspects including content to exclude (content which falls below an alert threshold is ignored, col. 11, lines 57-65), preferred type of content (col. 9, lines 37-48), preferred source of content (websites and subscription content, col. 9 line 66 – col. 10 line 4), and preferences based on historical analysis of previous selections from prior lists of content items (col. 10, lines 10-21).

Regarding claims 30 and 60, Wong, Dodson, and Yen disclose the method and system of claims 1 and 31, wherein the set top box is further configured to receive a list of supplemental content items from the content source in response to a search of a global information network, receive a user selection of a supplemental content item from the list, and retrieve from the global information network the selected supplemental content item for display by the interactive television system (Wong, col. 3 line 45 – col. 4 line 8).

5. Claims 12, 13, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong, Dodson, and Yen as applied to claims 1 and 31 above, and further in view of Kenner et al. (5,956,716, of record) [Kenner].

Regarding claims 12, 13, 42, and 43, Wong, Dodson, and Yen disclose the method and system of claims 6, 11, 36, and 41, wherein supplemental content is retrieved from a global information network for display by the interactive television system (the supplemental content is received from the Internet, Wong, col. 3 line 45 – col. 4 line 7), but fails to disclose a search engine configured, in response to supplemental content related to the television program

not being found at a content source, to search the global information network for supplemental content related to the television program based on the contextual information.

In an analogous art, Kenner teaches a content retrieval system (fig. 4, col. 7, lines 23-34) wherein users request content from a content source (user request video clips from local SRU, col. 8, lines 51-65), which then searches for the content at the source (local search for video clips is performed first, col. 9, lines 15-20 and 42-45), and if the requested content is not found at the content source, the search is expanded over a global information network (request is forwarded to the PIM 222, col. 9, lines 42-54, which search for the requested information, col. 10, lines 10-12 and col. 8, lines 18-25, over a global network [widely distributed data sources, col. 12, lines 33-35, connected by the Internet, col. 20, lines 50-63]), thus retrieving information from many available sources (col. 5, lines 39-55 and col. 20 line 10 – col. 21 line 16).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong, Dodson, and Yen to include a search engine configured, in response to supplemental content related to the television program not being found at the content source, to search a global information network for supplemental content related to the television program based on the contextual information, as taught by Kenner, for the benefit of broadening the capability of the content source to provided supplemental content.

6. Claims 18 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong, Dodson, and Yen as applied to claims 1 and 31 above, and further in view of Feinleib (6,637,032, of record).

Regarding claims 18 and 48, Wong and Dodson disclose the method and system of claims 1 and 31, wherein the contextual information comprises an indication of a channel being displayed (Dodson, col. 3, lines 8-28), but fail to disclose the set top box if further configured to use the indication of the channel to identify a content source to receive the information request.

In an analogous art, Feinleib teaches supplying supplemental information from a particular content source which relates to a particular channel (col. 1, lines 43-51), for the benefit of enhancing a particular channel with a dedicated source of supplemental content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong, Dodson, and Yen to configure the set top box to use the indication of the channel to identify a content source to receive the information request, as taught by Feinleib, for the benefit of enhancing the particular channel being watched with a dedicated source of supplemental content.

Conclusion

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7. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-73027302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-73537294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
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